

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**CHRISTOPHER WEST**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 2:07CV215-P-A**

**DRURY COMPANY**

**DEFENDANT**

**ORDER**

This cause is before the Court on the defendant's Motion to Dismiss Or, In the Alternative, Stay [19] and its like Motion to Dismiss Intervenor's Complaint, Or, In the Alternative, Stay Intervenor's Complaint [39]. The Court, having reviewed the motions, the response, and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motions are not well-taken and should be denied. Neither the first to file doctrine nor that of priority jurisdiction apply, for reasons aptly expressed in the plaintiff and intervenor's opposition to the pending motions. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Motion to Dismiss Or, In the Alternative, Stay [19] and its like Motion to Dismiss Intervenor's Complaint, Or, In the Alternative, Stay Intervenor's Complaint [39] are not well-taken and should be, and hereby are, DENIED.

SO ORDERED, this the 20<sup>th</sup> day of January, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE